

McDermott Will & Emery

**RECEIVED
CENTRAL FAX CENTER****SEP 18 2006**Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.**FACSIMILE****Date:** September 18, 2006**Time Sent:**

To:	Company:	Facsimile No:	Telephone No:
	United States Patent and Trademark Office	571-273-8300	
From:	Judith L. Toffenetti	Direct Phone:	202.756.8320
E-Mail:	jloffenetti@mwe.com	Direct Fax:	202.756.8087
Sent By:	Alexis Boyd	Direct Phone:	202.756.8690
Client/Matter/Tkpr:	050229-0377-06740	Original to Follow by Mail:	No
		Number of Pages, Including Cover:	5

Re: Application No.: 10/622,774**Message:**

We received a telephone call on Friday, September 15, 2006 informing us that the USPTO did not receive a response to the restriction requirement in the above-mentioned case on the due date of April 14, 2006. We have attached a copy of the response to the restriction requirement filed on April 14, 2006 along with a copy of our return receipt card indicating that the response was indeed filed on the due date.

If you have any questions or comments, please do not hesitate to contact us.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL ALEXIS BOYD AT 202.756.8690 AS SOON AS POSSIBLE.

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8090

U.S. practice conducted through McDermott Will & Emery LLP.
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096

Telephone: 202.756.8000

SEP 18 2006

Docket No.: 050229-0377

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
David HILDEBRAND, et al.	:	Confirmation Number: 4235
Application No.: 10/622,774	:	Group Art Unit: 1638
Filed: July 21, 2003	:	Examiner: Vinod KUMAR
For: RECOMBINANT STOKESIA EPOXYGENASE GENE	:	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action of March 14, 2006, in the above-identified application. Restriction is now required between the invention identified as those of Groups I and II:

- | | |
|-----------------|--|
| Group I | Claims 1-14, drawn to an isolated nucleic acid molecule encoding a delta 12-fatty acid epoxygenase enzyme, a chimeric gene, the chimeric construct, a vector, a host cell or a transgenic plant comprising said nucleic acid, classified in class 536, subclass 23.1, for example. |
| Group II | Claims 15-19, drawn to a method for producing delta-12 epoxy fatty acids, or wherein method comprises transforming microbial or a plant cell with chimeric gene encoding delta-12 epoxy fatty acid epoxygenase enzyme, classified in class 800, subclass 281, for example. |

In response to this requirement, Applicants elects with traverse the invention of Group I, directed to claims 1-14, for prosecution in the above-identified application. To review Groups I and II together is not a unreasonable burden on the Examiner, because the Examiner must search the vector, the isolated nucleic acid molecule encoding a delta 12-fatty acid epoxygenase enzyme, the chimeric gene, and the chimeric construct for both groups.

WDC99 1222138-1.050229.0377

10/622,774

Applicant explicitly reserves the right to pursue the remaining claims in divisional applications.

It is believed that the above represents a complete response to the Official Action and reconsideration is now in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Blair R. Lanier
Registration No. 56,910

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BRL:brl:ldw
Facsimile: 202.756.8087
Date: April 14, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**

Applicant: <u>David HILDEBRAND, et al.</u>		Docket No. <u>050229-0377</u>	Serial No. <u>10/622,774</u>	
Title: <u>RECOMBINANT STOKESIA EPOXYGENASE GENE</u>		Patent No. _____		
Date Sent: <u>4/14/2006</u>	<input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Express Mail No.			
<input type="checkbox"/> Transmittal Letter				
New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov				
Other: _____	<input type="checkbox"/> Letter submitting _____ pages of drawings			
_____ pages of Specification	<input type="checkbox"/> Req. for Approval of Drawing Amendments			
_____ pages of Claims	<input type="checkbox"/> Req. for Oral Hearing			
_____ pages of Abstract	<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief			
_____ pages of Formal/Informal Drawings	<input type="checkbox"/> Rule 312 Amendment/Letter			
<input type="checkbox"/> Small Entity <input type="checkbox"/> Large Entity	<input type="checkbox"/> Req. for Acknowledgement of Cited Art			
<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Issue Fee			
<input type="checkbox"/> Recordation of Assignment/Security Agreement	<input type="checkbox"/> Publication Fee			
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Req. for Certificate of Correction			
_____ Form PTO 1449	<input type="checkbox"/> Maintenance Fee for _____ years after grant			
_____ References attached	<input type="checkbox"/> Fee Address Indication Form			
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Terminal Disclaimer			
<input type="checkbox"/> Response to Missing Parts Notice	<input type="checkbox"/> Petition to Commissioner			
<input type="checkbox"/> Resp. to Notice to Correct App. Papers	<input type="checkbox"/> Status Inquiry			
<input type="checkbox"/> Certified Copy of Priority Doc.	<input type="checkbox"/> Other _____			
<input type="checkbox"/> Claim for Convention Priority				
<input checked="" type="checkbox"/> Response/Amendment to Office Action of <u>03/14/2006</u>				
<input type="checkbox"/> Request for _____ month Extension of Time				

Check for	\$ 0	<input type="checkbox"/> Charge Deposit Acct. 500417	\$ 0	Atty Inlt	BRL	Tkpr. #	7937	Secy. or PL:	JD. Williams
-----------	------	--	------	-----------	-----	---------	------	--------------	--------------

CMS Descr.: _____

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

